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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,067	10/16/2003	Robert Alan Charnock	25-12602/YOD FMCT:0002	8903
23720	7590	12/08/2005	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			SWINEHART, EDWIN L	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,067

Applicant(s)

CHARNOCK ET AL.

Examiner

Ed Swinehart

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-8,11-15,17-19,22,24-30 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22,24-30 and 33-37 is/are allowed.
- 6) ☒ Claim(s) 1,2,6-8,11-15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/29/2005 has been entered.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The relationship of the wear inserts as set forth in claim 12 to those previously recited is unclear.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 3617

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,6,11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Finn et al.

Finn discloses the claimed invention, including a keel guide having a keel joint disposed therewith, and itself positioned within a bushing **100**. Wear insert(s) **94** are provided as claimed for bearing against the joint, and form an external sleeve thereabout. Since the bushing is coupled to the riser in slidable fashion, such is "releasably coupled" as claimed. Since the wear inserts must inherently be assembled in concert with the bushing assembly, they may be considered part of the bushing assembly. Alternatively, note the rejection under 35 USC 103 which is set forth below.

Re claim 6, "clamp" fails to define any specific structure and/or arrangement so as to define over the two piece bolt-together bushing assembly of Finn.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1,12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finn et al.

Assuming arguendo that the wear inserts of Finn are not part of the bushing assembly, it would have been obvious to one of ordinary skill in the art at the time of the invention to mount the inserts of Finn in a reverse manner, such that they are physically

Art Unit: 3617

attached to the bushing as opposed to the joint. Since the inserts are for checking wear between joint and bushing, its purely a matter of design choice as to which of the two elements the inserts are attached.

8. Claims 2,8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Finn et al. in view of Munk et al. '182.

Finn fails to disclose a landing feature as claimed.

Munk et al. '182 discloses the field of the invention, including a landing feature between bushing and guide.

Re claim 8, "bowl" fails to define any specific structure and/or arrangement so as to define over the shape of the landing of Finn as modified.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finn et al. in view of Munk et al. '182 as applied to claim 2 above, and further in view of Davies et al.

Finn fails to provide locking means as claimed.

Davies provides latches **34** to lock the bushing within the guide.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide locks to Finn as taught by Davies.

Such a combination would have been desirable at the time of the invention so as to provide for prevention of undesired movement.

10. Claims 14,15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. in view of Grable et al.

Art Unit: 3617

Davies teaches the claimed invention, with exception of locks/latches positioned upon the outer guide as being associated with the "landing feature". The latches of Davies are carried on the bushing.

Grable teaches a landing feature carrying the locking latches/pins **59a** thereon. Such is considered to have been equivalent to provision of latches upon the insertable element.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide latches on the outer landing portion of Davies as taught by Grable.

Such a combination would have been desirable at the time of the invention so as to provide ease of operation.

Re claim 19, a pair of shoulders fails to define any specific structure and/or arrangement so as to define over Davies, as a shoulder is provided on each of the bushing and guide, and it is the combination of the two shoulders which forms the landing feature.

11. Claims 22,24-30,32-37 are allowed.

12. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

Art Unit: 3617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a large, stylized 'E' followed by a horizontal line.

Ed Swinehart
Primary Examiner
Art Unit 3617